

### **REMARKS**

This is in response to the Office Action mailed December 28, 2006. At the time of the Office Action, Claims 1-4, 6-12, and 18-24 were pending in this Application. Claims 2, 4, 19 and 20 were withdrawn. Claims 1, 3, 6-12, 16, 18 and 21-24 are rejected. Claims 1, 16, and 23 have been amended to further define various features of Applicant's invention. Also, Claims 25-26 have been added. New Claims 25-26 are supported throughout the application and, for example, in Figure 5, and the corresponding text.

#### **Double Patenting Rejection**

Applicant acknowledges the double patenting rejection. Applicant shall consider filing a terminal disclaimer upon indication that the claims are otherwise in condition of allowance.

#### **Rejections under 35 U.S.C. § 102**

Claims 1, 3, and 6-12 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Papay et al. (U.S. Patent No. 6,517,542). Applicants have amended independent Claim 1 and submit that Papay does not anticipate Claim 1 or any of the claims that depend there from.

It is well established that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 *citing* Verdegaal Bros. V. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). In the instant case, Claim 1 includes an element that is not found in Papay. In particular, Claim 1 recites that the bone securing structure for securing the anchor body in bone has a first narrow profile and a second large profile orientation. This is a meaningful claim limitation that is not disclosed in Papay. Papay, in contrast, discloses a self-tapping, self-boring tip. The screw disclosed in Papay does not have multiple orientations or configurations.

Based on the foregoing, Papay does not anticipate Claim 1 or any of the claims that depend there from. Withdrawal of the rejection is requested.

Claims 16, 18 and 21-24 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by Martin (U.S. Patent No. 5,693,060). Applicants have amended independent Claim 16 and submit that Martin does not anticipate Claim 16 or any of the claims that depend there from.

In particular, Claim 16 recites that the anchor includes a bone locking structure radially extending from the anchor body, and adapted to affix the device in the bone tunnel. The subject matter recited in Claim 16 is a structure that affixes the anchor in a bone tunnel such as, for example, deployable flaps. It is clearly more than a mere knot-tying device as shown in Martin. In contrast, Martin does not disclose structure that secures the device in a bone tunnel.

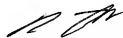
Based on the foregoing, Martin does not anticipate Claim 16 or any of the claims that depend there from. Withdrawal of the rejection is requested.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims. If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 408.735.6323.

Additionally, the Commissioner is hereby authorized to charge any fees necessary to Deposit Account No. 50-0359 of ArthroCare Corporation in order to effectuate this filing.

Respectfully submitted,



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Date: May 29, 2007

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